

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MI SUN CHUN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
GEORGIA CHRISTIAN	:	CIVIL ACTION NO.
UNIVERSITY, INC., and DR. PAUL	:	1:15-CV-1154-AT
KIM,	:	
	:	
Defendants.	:	

ORDER

On September 2, 2015, the Court granted Plaintiff's Motion to Dismiss Defendants' Counterclaims. (Doc. 20.) The Court deferred ruling on Plaintiff's motion for attorney's fees pursuant to O.C.G.A. § 13-6-11. Plaintiff has since supplemented the record with an itemization of fees. (Doc. 21.)

Plaintiff seeks fees pursuant to O.C.G.A. § 13-6-11 for defending against what she considers frivolous counterclaims filed by Defendants. However, that statute does not provide for recovery of attorney's fees associated with only the defense of a claim or counterclaim. *See Lineberger v. Williams*, 393 S.E.2d 23, 26 (Ga. Ct. App. 1990) (“As to appellant's counterclaim, however, appellee was the defendant and he was, therefore, not entitled to seek attorney's fees pursuant to O.C.G.A. § 13-6-11 for his defense of that claim. '[D]efendants cannot recover attorney['s] fees against plaintiffs under [OCGA § 13-6-11]. [Cits.]' *DuBose v. Box*,

246 Ga. 660, 669-670(5), 273 S.E.2d 101 (1980)."); *see also Peery v. CSB Behavioral Health Sys.*, No. CV106-172, 2008 WL 4425364, at *22 (S.D. Ga. Sept. 30, 2008). Plaintiff has cited no other statutory or legal basis for her ability to recover attorney's fees for defending against the now-dismissed counterclaims.

Accordingly, the Motion for Attorney's Fees [Doc. 15] is **DENIED WITHOUT PREJUDICE**. Plaintiff may renew her motion for fees at the end of the case identifying any other grounds for such an award.

IT IS SO ORDERED this 6th day of October, 2015.



Amy Totenberg
United States District Judge